

THE HON'BLE MR. JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.113 of 2007

Date:03.12.2007

Between:
Somu Srirama Krishna Venkata Surya Jogi Rayudu
and another..

Petitioners ...

AND
The Executive Engineer, Roads and Buildings,
Rajahmundry, East Godavari District and
another.

... Respondents

Counsel for the petitioner: Sri E.Samba Siva
Pratap.Ch.Srinivas

Counsel for the respondents: Govt. Pleader for R & B

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HONOURABLE MR.JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.113 2007

ORDER:-

This Writ Petition is filed for a Writ of Mandamus to declare the action of respondent No.1 in attempting to dispossess the petitioners from the land and building situated in premises bearing Door Nos.2-22B and 2-22C, in Ward No.2 of A.Annavaram village, Sankavaram Mandal, East Godavari District, as illegal.

Heard Sri E.Sambasiva Pratap, learned counsel for the petitioners.

Sri P.D.Vijay Kumar, Executive Engineer, R & B, Rajahmundry, 1st respondent herein, filed a counter-affidavit.

Paragraph 4 of the counter-affidavit reads as under:

“It is submitted that the allegation of the Writ Petitioners that this respondent authority has been interfering in the construction activity is absolutely false and is invented for the purpose of filing the above Writ Petition with a malafide intention and on mere apprehension. It is pertinent to submit that this respondent authority nor their men have ever entered the site of the Writ Petitioners on 29-12-2006 and 31-12-2006 or ever tried to interfere with the construction activity. In fact, no road widening work or any other work is being undertaken by this respondent authority much less in A.Annavaram village as alleged by the Writ Petitioner and hence the question of interference in the construction activity by this respondent or issuance of any notice does not arise as there is no road activity being taken”.

In view of the stand taken by respondent No.1 in the above-reproduced paragraph, the cause does not survive in the Writ Petition. It is, however, made clear that as and when the respondents seek to interfere with the petitioners' possession without following the due process of law, they are free to avail

their remedies.

The Writ Petition is, accordingly, dismissed.

C.V.NAGARJUNA REDDY,J
03-12-2007
MNR